

**From:** Geoffrey Prewett  
**To:** Microsoft ATR  
**Date:** 1/24/02 1:36am  
**Subject:** Microsoft Settlement

To whom it may concern,

I am writing this letter to express my opinions of the Justice Department's proposed settlement of the Microsoft case. The proposed settlement attempts to prevent the specific abuses of monopoly power that were used against Netscape. However, the proposed settlement has two major flaws: it does not provide for a punishment for the abuses and it does not effectively prevent further abuses.

When a person is found guilty of breaking a law, a punishment is demanded for breaking the law. The punishment is payment for breaking the law; atonement, as far as it is possible. The punishment also limits the dishonest gain that the guilty party can realize from the breaking the law. The proposed settlement does not appear to contain any punishment for Microsoft, only remedies aimed at preventing future trespasses. The 1994 consent agreement was designed to prevent future trespasses; it failed. Twice Microsoft has been guilty and a punishment needs to be required. The proposed settlement includes no such punishment.

Not only does the proposed settlement contain only prevention for the future, and no punishment, but the prevention is not effective. First, Microsoft has repeatedly and flagrantly violated the spirit, if not letter, of the law. During the trial its officers and employees have shown a contempt for the court by, among other things, allegedly rigging demos. The company has shown no contriteness since then, but has continued business as usual. There is nothing to suggest that Microsoft is going to obey the spirit of the proposed settlement any more than the 1994 agreement. Second, the proposed settlement addresses the specific complaints at the time of the trial but does not address the fundamental problems which caused the complaints. For instance, the proposed settlement address the licensing of certain, specific desktop icons. It does not prohibit the principle that caused the licensing problem: the selling of discounted versions of Windows provided that OEMs engage in certain behavior with respect to \*non Microsoft\* products. Under the proposed settlement, the only provision is that Microsoft cannot place restrictions on browser icons. It may still provide discounts if computer manufacturers do not ship computers with competing operating systems, for example.

In conclusion, I oppose the proposed settlement because it provides no punishment for Microsoft's actions and because the prevention remedies will not be effective in promoting competition in areas other than the browser.

Sincerely,  
Geoff Prewett  
Software Engineer

